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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF : Daniel A. Danknick  
FOR : DYNAMIC LOAD BALANCING FOR A  
SERIAL NO. : 09/558,353  
FILED : 26 April 2000  
EXAMINER : Arthur G. Evans  
ART UNIT : 2622  
LAST OFFICE ACTION : 4 December 2003  
ATTORNEY DOCKET NO. : 66329/97406B

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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents  
BOX Non-Fee Amendment  
Washington, DC 20231

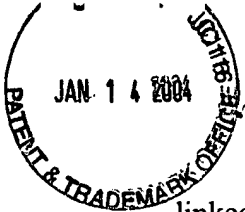
Dear Sir:

In the Office Action dated 4 December 2003, the Examiner has required the restriction of the present application to one of the following inventions:

- GROUP I: Claims 1-15, drawn to printing system reallocating/rerouting unprinted copies of a document when error is detected, classified in class 358, subclass 1.14; and
- GROUP II: Claims 16-21, drawn to adjusting document count to adjust for printing speed, classified in class 358, subclass 1.5.

Applicants hereby provisionally elect the designated invention of Group I (Claims 1-15) with traverse. It is respectfully submitted that Applicant has made a unified invention wherein the identified inventions of Groups I and II as set out in the Restriction Requirement are so

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linked so as to form a single inventive concept. It would appear that a search for a printing system adapted for reallocating/rerouting unprinted copies of a document when error is detected of Group I would necessarily include a search for a method for adjusting document count to adjust for printing speed of Group II because both designated inventions relate to optimizing the printing of documents. Therefore, the grouped inventions as set out in the requirement for restriction would be searchable together. Because the grouped inventions are searchable together, it is respectfully submitted that restriction is not required.

With the above provisional election and accompanying traversal of the requirement for restriction, it is respectfully submitted that the Application is now in condition for examination on the merits.

Applicant reserves the right to have the unelected claims examined by filing one or more divisional applications.

Applicant hereby requests a one month extension of time to file this Response to Restriction Requirement. Applicant encloses herewith PTO form 2038 authorizing the charging an appropriate fee for the extension of time.

If there are any other fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 50-0902, referencing our Docket No. 66329/97406B.

Respectfully Submitted,

TUCKER ELLIS & WEST LLP

Susan L. Mizer  
Registration No. 38,245  
**Customer No. 23380**  
1150 Huntington Building  
925 Euclid Avenue  
Cleveland, Ohio 44115-1475  
Phone (216) 696-3340  
Fax (216) 592-5009  
Email: Susan.Mizer@tuckerellis.com

Date: \_\_\_\_\_

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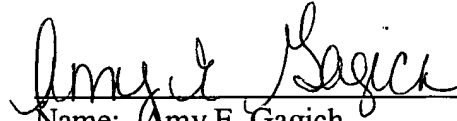


**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being deposited on the below date with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 223143-1450.

Date: \_\_\_\_\_

1/12/04

  
Name: Amy E. Gagich

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